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PART – I

Notifications, Orders and Declarations by Haryana Government

STATE ELECTION COMMISSION, HARYANA

NIRVACHAN SADAN, PLOT NO. 2, SECTOR-17, PANCHKULA, HARYANA-134109

Order

The 22nd March, 2021

No. SEC/3ME/2021/869-878.— The General Election of Municipal Corporation, Faridabad was held on 08.01.2017 and the result of the elected candidates was declared on the same day.

2. Section 8B of the Haryana Municipal Corporation Act, 1994, every candidate at an election shall, either himself or by his election agent, keep a separate and correct account of all expenditure in connection with the election incurred or authorized by him or by his election agent from the date of filing of nomination papers to the date of declaration of the result thereof, both dates inclusive. The account shall contain such particulars, as may be notified by the State Election Commission in this behalf. The total of the said expenditure shall not exceed such amount as may be notified by the State Election Commission from time to time.

3. Section 8D of the Haryana Municipal Corporation Act, 1994 read with Section 10 A of the Representation of People Act, 1951 further provides that if the Election Commission is satisfied that a person –

- (a) has failed to lodge an account of election expenses, within the time and in the manner required by or under this Act, and
- (b) has no good reason or justification for the failure

the Election Commission shall, by order published in the Official Gazettee, declare him to be disqualified and any such person shall be disqualified for a period of three years from the date of the order.

4. In pursuance of the above provisions, the State Election Commission, Haryana vide its notification No. SEC/3ME/2015/628, dated 03.06.2015 in exercise of powers vested under clause (i) Article 243 ZA of the Constitution of India, sub-section 3 of Section 8B of the Haryana Municipal Corporation Act, 1994 had prescribed the limit of expenditure of Rs. 2,10,000/- that may be incurred by the contesting candidate or his authorized agent in connection with election of Municipal Corporation, Faridabad and account of election expenses shall be filed/lodged with the Deputy Commissioner or any other officer prescribed by the Commission within 30 days from the date of declaration of the result of election.

5. The State Election Commissioner, Haryana in exercise of powers contained under Section 9(1A) of the Haryana Municipal Corporation Act, 1994 authorized Assistant State Election Commissioner, State Election Commission, Haryana vide order No. SEC/1ME/2020/1833, dated 12.11.2020 to decide the cases of disqualification of the candidates, who failed to lodge their account of election expenses within the prescribed time.

6. As reported by the Deputy Commissioner, Faridabad, the following candidates had contested the election of Municipal Corporation Faridabad held on 08.01.2017 but failed to submit their election expenditure account:—

Sr. No.	Name of Candidate	Ward No.
1.	Mahesh Chand	16
2.	Vikas Chandila	19
3.	Rekha Chauhan	24
4.	Ravi Kumar	32

7. The Commission had served a show cause notice upon them to explain as to why they should not be disqualified on account of non submission of election expenditure account within the period. They neither submitted their election expenditure statement nor responded to the show cause notice. I, had given them an opportunity of personal hearing on 29.01.2021 at 12.30 PM in the office of State Election Commission, Haryana, “Nirvachan Sadan”, Plot No. 2, Sector-17, Panchkula in the interest of natural justice. Joint Commissioner, NIT, Faridabd sent an email dated 25.01.2021 and submitted the notice has been served to all the candidates. It has been observed that notice of personal hearing has been delivered to all the candidates in person or through their family members.

8. Candidate mentioned at Sr. No. 1 was present during hearing and stated that he submitted his election expenditure statement on 19.05.2017 to the office Deputy Commissioner, Faridabad and same has been intimated by the Deputy Commissioner, Faridabad vide letter dated 14.06.2017 to the Commission. Election expenditure statement was required to be submitted within thirty days after the declaration of election result. During hearing he has stated that after election he fall ill and could not submit his election expenditure statement within the prescribed time limit due his illness. On asking medical certificate in this regard he said that will submit his medical certificate oby 04.02.2021. But the said candidate did not turned till date. Thus it is presumed that the said candidate has failed to file his election expenditure within the prescribed time limit and deserves to be disqualified.

9. Candidate mentioned at Sr. No. 2 appeared for personal hearing. He has stated that at the time of filing the election expenditure he was ill and could submit his election expenditure statement within the prescribed time limit. He requested to grant him time to submit election expenditure statement with medical certificate by 04.02.2021. Neither has he submitted his election expenditure statement nor medical certificate till today. Thus it is concluded that the candidate has failed to file his election expenditure statement within the prescribed time and deserves to be disqualified.

10. Candidate mentioned at Sr. No. 3 appeared for personal hearing and stated that she has submitted that she had already deposited her election expenditure with the authority concern at Faridabad. She has requested to grant her time by 04.02.2021 so that she may submit receipt in this regard. She was allowed for submitting receipt in this regard. She has not turned till date. Thus it is concluded that the said candidate has failed to file her election expenditure statement within the prescribed time and deserves to be disqualified.

11. Candidate mentioned at Sr. No. 4 appeared for personal hearing and submitted that he had already submitted his election expenditure statement in the office of Election Commissioner, Sector-12, Faridabad and receipt in this regard has been lost from him. He has verbally submitted that he will submit proof by 04.02.2021 in this regard. But the said candidate has not turned till date. Thus it is presumed that the said candidate has failed to file his election expenditure within the prescribed time limit and deserves to be disqualified.

12. After personal hearing, the order was announced.

13. On perusal of record of the case and after hearing of the candidates, I am satisfied that the above said candidates has failed to lodge an account of election expenditure, within the time and in the manner required by or under this Act. Moreover, above said candidates has submitted no good reason or justification for their failure to submit election expenditure account. Therefore, they deserve to be disqualified. Hence I, Parmal Singh, Assistant State Election Commissioner, Haryana, hereby order that all the above mentioned 4 candidates mentioned in para 6 are disqualified under Section 8D of the Haryana Municipal Corporation Act, 1994 read with Section 10 A of the Representation of People Act, 1951 for being chosen as, and for being a member of Municipality for a period of three years from the date of this order.

14. The office is directed to send a copy of this order to the candidate concerned through Deputy Commissioner, Faridabad immediately.

Panchkula :
The 22nd March, 2021.

PARMAL SINGH,
Asstt. State Election Commissioner, Haryana.